



*AMSB filed 7/1/4*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Herron et al.

**Serial No.:** 09/877,635

**Filed:** June 8, 2001

**For:** DIAGNOSTIC DEVICE AND  
METHOD

**Confirmation No.:** 9774

**Examiner:** G. Gabel

**Group Art Unit:** 1641

**Attorney Docket No.:** 0274.02-3278.2US

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV325781147US

Date of Deposit with USPS: April 9, 2004

Person making Deposit: Christopher Haughton

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed in response to the Final Office Action dated February 9, 2004, the shortened statutory period for response to which is set to expire on May 9, 2004. This Amendment is being filed within two months of the mailing date of the Final Office Action.

Amendments to the claims are set forth in the listing of the claims, which begins on page 2 of this paper; and

Remarks start at page 5 of this paper.

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04-12-09

AF 1 1641

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/877,635
Filing Date	June 8, 2001
First Named Inventor	Herron et al.
Group Art Unit	1641
Examiner Name	G. Gabel
Attorney Docket Number	0274.02-3278.2US (U-2541.2)

## ENCLOSURES (check all that apply)

☒ Postcard receipt acknowledgment (attached to the front of this transmittal)

☒ Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16

☐ Preliminary Amendment

☐ Response to Restriction Requirement/Election of Species Requirement dated

☐ Amendment in response to office action dated

☒ Amendment under 37 C.F.R. § 1.116 in response to final office action dated February 9, 2004

☐ Additional claims fee - Check No. in the amount of \$

☐ Letter to Chief Draftsman and copy of FIGS. with changes made in red

☐ Transmittal of Formal Drawings

☐ Formal Drawings ( sheets)

☐ Information Disclosure Statement, PTO/SB/08A (08-00); ☐ copy of cited references

☐ Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of \$180.00

☐ Associate Power of Attorney

☐ Petition for Extension of Time and Check No. in the amount of \$

☐ Petition

☐ Fee Transmittal Form

☐ Certified Copy of Priority Document(s)

☐ Assignment Papers (for an Application)

☐ Terminal Disclaimer

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☐ Other Enclosure(s) (please identify below):

## Remarks

The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name: Rick G. Power

Registration No. 38,581

Signature:

Date: April 9, 2004

## CERTIFICATE OF MAILING

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